

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	2:13-CR-00519-MMB
	:	
V.	:	
	:	
VADIM FLESHLER	:	
<i>Defendant.</i>	:	

MOTION TO WITHDRAW PLEA OF GUILTY

TO THE HONORABLE MICHAEL M. BAYLSON, THE JUDGE OF THIS SAID COURT:

NOW COMES, the Petitioner, VADIM FLESHLER, by and through his attorney NINO V. TINARI, ESQUIRE, hereby moves this Honorable Court to allow the withdrawal of his guilty plea and set a date for trial and avers the following in support thereof:

1. Petitioner's Sentencing is scheduled for Wednesday, June 25, 2014, before this Honorable Court.
2. Petitioner asserts that his plea of guilty was neither knowing, nor voluntary.
3. Petitioner has maintained his innocence from the date on which he was arrested. However, due to an unfortunate experience at trial in state court, Petitioner pled guilty, fearing that trials are a "fixed fight."
4. Furthermore, at the time of Petitioner's change of plea, Petitioner had a material misunderstanding of all of the circumstances of his plea and Plea Agreement.

WHEREFORE, for all of the foregoing reasons Petitioner, VADIM FLESHLER, by and through his attorney, prays this Honorable Court to allow the withdrawal of his guilty plea and set a date for trial.

Respectfully Submitted,

Date: June 20, 2014

/s/Nino V. Tinari

Nino V. Tinari, Esquire
Attorney for Vadim Fleshler

CERTIFICATE OF SERVICE

I, Nino V. Tinari, Esquire, hereby certify that a copy of Defendant's Motion to Withdraw
Plea of Guilty was served upon the following via ECF Filing:

THE HONORABLE MICHAEL M. BAYLSON
3810 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106-1797

MARY BETH LEAHY
USAO
615 CHESTNUT ST STE 1250
PHILADELPHIA, PA 19106

Date: June 20, 2014

/s/*Nino V. Tinari*
Nino V. Tinari, Esquire
Attorney for Vadim Fleshler

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<i>Defendant.</i>	:	

ORDER

AND NOW, to wit, this day of , 2014, after due consideration of the within Motion to Continue the Sentencing, it is hereby **ORDERED** and **DECREED** that the within Motion is **GRANTED**.

BY THE COURT:

J.